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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/828,003

Applicant(s)

SUZUKI, EIKO

Examiner

Brian Q. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, and 3-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment and Arguments

1. Applicant's amendment filed November 28, 2005, has been entered and made of record.
2. Applicant's arguments with regard to claims 1, and 3-12 have been fully considered, but are not considered persuasive because of the following reasons:

For rejected claims 5-8, and 12 under 35 U.S.C. 112, enablement, the Applicant argues (Remark page 6-7) that the claims are enabled because the claim limitations are well known and thus the disclosures of the application can coupled with information known in the art without undue experimentation. The Applicant also mentioned that the level skill in the art is relatively high and since these claims are dependent claims thus are not of exceptional breadth. Therefore, the claims are enabled. The Examiner respectfully disagrees, these statements clearly are opinions expressed by the Applicants without factual evidence. The rejections are made based upon on the knowledge of one of ordinary skilled in the art and thus the assumption of the level of skill in the art is relatively high by the Applicant becomes suggestive and irrelevant. Even though the rejected claims are dependent claim; however, they are part of the invention and therefore the Applicant must clearly disclose in the original disclosure of how the disclosed limitations are enabled. In addition, the claims limitations are in fact are not standard or known in art. As the Applicant argued (page 7), the limitations are enabled because the Examiner had rejected the claims with prior art. Likewise, the claims are not parented if they are known in the art especially the Applicant had admitted. Furthermore, the Examiner rejected claims 5-8 and 12 by prior arts as best understood and as best interpreted.

Regarding the rejection of claims 1, and 3-12 under 35 U.S.C. 112, written description, the Application shows the support of limitation "recognition processing means for performing ...

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the highest score being adopted only if it is at least equal to a predetermined minimum score” at page 5 line 17 to page 6, line 5; page 6 lines 11-20 and page 7, lines 16-24. The Examiner respectfully disagrees. The cited locations do not support the claimed language “**the highest score being adopted only if it is at least equal** to a predetermined minimum score” (emphasis added). The cited locations merely showed an ID recognition sorter which sorts ID and read result having the highest score equal to or higher than an arbitrarily set acceptable score (reference score). This is quite different from the claimed language “the highest score being adopted only if it is at least equal to a predetermined minimum score. Clearly the supported concept, “reading result of highest score” is totally different from the claimed concept “adopt highest score only if it is at least equal to a predetermined minimum score”.

Also the Applicant argues (page 10) that Onu Satoro does not teach the limitation “**the highest score being adopted only if it is at least equal** to a predetermined minimum score”. The Examiner respectfully disagrees. Paragraphs 0016 and 0017 clearly indicate a scoring system and that the recognition score can be good, acceptable or bad will be determined if the score is equal or higher than the predetermined score. Thus, clearly this can be read on the broadly claimed language on the “highest scoring system” of the Applicant.

Thus, the rejections of all of the claims are maintained. The Applicant is advised to further amending the claim’s language, carefully consider the references and rejections as best interpreted by the Examiner.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it

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pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 5-8 and 12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Regarding claims 5, the Examiner finds that the specification does disclose the image sensing optical means which executes retry processing of performing ID recognition in according with first and second read optical (emphasis added) conditions integration. The portion of the specification merely discloses the change of read optical condition information and does not disclose the ID recognition in accordance to the relationship of second read optical conditions and the first read optical condition as claimed (claim 5). Further details are needed to clarify these claim limitations. Regarding claim 12, the Applicant also does not clearly disclose in the specification referring to a wafer's ID recognition process wherein the ID includes the combination of first ID and second ID from code information and character/numeral information. Furthermore, the Applicant needs to point out where (page and line number) a recognition processing means perform digital recognition processing of the first ID and perform analog recognition on the second ID if no code can be recognized. The Examiner asserts that the Applicant discloses a concept of digital recognition and analog limitation. However, the Applicant does not disclose the claimed limitation. Claims not specifically addressed depend from indefinite antecedent claims. [The original disclosure does not show the interaction/relationship between the first read optical condition and the second read optical condition. The cited portion of the specification only shows the multiple read optical condition but no where it shows the relationship/interaction

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of the first read optical condition to the second read optical condition as disclosed in the claim language. Similarly to the claim 12, the original disclosure does not show the support of how the first ID interacts/relates to the second ID as claimed. Also the Applicant shows (page 9 of the 'Remarks') that page 18, line 9-page 19, line 16 shows the support of performing digital recognition processing of the first ID and analog recognition processing of the second ID.

However, the cited location does not show the supported for the limitation of claim 12. Also, the Applicant cited page 22, lines 8-13 to show the support for claim language "highest score being adopted only if it is at least equal to a predetermined minimum score". The Examiner respectfully disagrees; the cited location does not show the support for this limitation. It merely shows the evaluation of highest score involving 70. However, it never discloses that 70 is the lowest/minimum score. Another word, 70 score can be a predetermined threshold but it is not necessarily considered as minimum/lowest score.]

5. Claims 1, and 3-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Regarding claim 1, the original disclosure does not show the support for exhibiting the highest score as an ID of the semiconductor wafer under the read optical condition, **the highest score being adopted only if it is at least equal to a predetermined minimum score** (emphasis added). Claims not specifically addressed depend from indefinite antecedent claims.

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Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 5, 8-9, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Ono Satoru JP10-227184.

Regarding to claim 1, Ono teaches a semiconductor wafer ID recognition apparatus (Detailed Description, first paragraph) comprising:

Image sensing optical means for reading a plurality of identification information character strings (IDs) marked at an arbitrary position on a semiconductor wafer in accordance with a plurality of first read optical conditions registered in advance (Detailed Description, first paragraph); and

Recognition processing means for performing recognition processing (Detailed Description, page 1, last paragraph) including calculation of an evaluation score representing a read likelihood ratio for an image output from said image sensing optical means for every read optical condition (Detailed Description, page 3, second paragraph and Table 1), and for adopting a recognition result for the character string exhibiting the highest score (“optimum value based on the recognition result”) as an ID of the semiconductor wafer under the read optical condition, (Detailed Description, page 4, first 20 lines) the highest score being adopted only if it is at least equal to a predetermined minimum score (the process of able to determine good recognition,

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reference score/minimum score of 6, and the improper recognition, reference score of 4) (page 3, detailed description, paragraph [0016] and paragraph [0017]),

wherein said recognition processing means performs recognition processing for a corresponding ID among a plurality of IDs recorded on the semiconductor wafer in accordance with the first read optical conditions, and adopts, as the ID of the semiconductor wafer, a recognition result under a read optical condition exhibiting the highest score obtained by recognition processing under all the first read optical conditions (It is the process of calculating the highest score under optical reading conditions) (Detailed Description, page 4, first 20 lines).

Referring to claim 5, please refer back to claim 1 for the explanation.

For claim 8, Ono teaches an apparatus wherein said recognition processing means determines that no ID can be recognized when an evaluation score is under a predetermined value or when an indistinct character exists in a character string of a recognition result (Detailed Description, page 3, second paragraph, table 1, and page 4).

Referring to claim 9, please refer back to claim 1 for previous claimed limitation. In addition, Ono teaches a light source which is arranged to irradiate an ID on the semiconductor wafer and changes in irradiation condition in accordance with the first read optical conditions, and image sensing means for reading the ID on the semiconductor wafer irradiated by said light source (Solution and Means, page 1), and said recognition processing means comprises read optical condition memory means for storing the first read optical conditions, light source control means for controlling said light source so as to set the first read optical conditions stored in said read optical condition memory means (Camera has memory to store the optical conditions) (Solution).

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Regarding claim 11, Ono discloses an apparatus further comprising transfer means for transferring the semiconductor wafer to a predetermined position on the basis of the ID adopted by said recognition processing means (Detailed Description, page 2, last 15 lines).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3, 6-7, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Ono Satoru JP10-227184 and Hunter U.S. Patent No. 6,697,517 as applied to claim 1 above.

Regarding claim 3, Ono does not clearly teach the apparatus further comprising informing means for generating a warning when no ID can be recognized by recognition processing under the first read optical conditions. Hunter teaches a process of recognizing substrate/wafer that further verify the signature/ID on each substrate through video image and that each signature is verified to ensured if each substrate is by passed (column 13, lines 8-41) that generate warning (column 7, lines 49-57). Thus, it would have been obvious that there is a warning message shows on the video image system to give warning if the signature on a substrate/wafer is not correct. Modifying Ono's method of wafer's ID recognition according to Hunter would able to further help the system to generate warnings if the ID is not correct so that the operator can further correct the wafer's ID. This would improve processing and therefore, it

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would have been obvious to one of the ordinary skill in the art to modify Ono according to Hunter.

Regarding claims 6-7, please refer back to claim 3 for further explanation.

Regarding claim 10, please refer back to claim 1 for further explanation. However, Ono does not explicitly teaches a memory (a computer system) to store the recognition result said recognition unit and an evaluation result of said evaluation unit. However, Hunter teaches a computer system with memory is used to generate software and store information for the process of recognizing substrate/wafer's ID. Modifying Ono's method of wafer's ID recognition according to Hunter would able to further help the system providing memory for storing the recognition result and evaluation result of said evaluation unit. This would improve processing and therefore, it would have been obvious to one of the ordinary skill in the art to modify Ono according to Hunter.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Q. Le whose telephone number is 571-272-7424. The examiner can normally be reached on 8:30 A.M - 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on 571-272-7695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BL
December 30, 2005



**SAMIR AHMED
PRIMARY EXAMINER**